

UNITED STATES DISTRICT COURT
for the

Western District of North Carolina

United States of America v. MICHAEL FREEMAN LATTIMORE Date of Previous Judgment: <u>3/30/2005</u> (Use Date of Last Amended Judgment if Applicable))))))))	Case No: <u>1:04CR00081-001</u> USM No: <u>18702-058</u> <u>Robert Charles Carpenter</u> Defendant's Attorney
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Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of _____ months **is reduced to** _____.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: <u>31</u>	Amended Offense Level: <u>29</u>
Criminal History Category: <u>II</u>	Criminal History Category: <u>II</u>
Previous Guideline Range: <u>240</u> to <u>240</u> months	Amended Guideline Range: <u>240</u> to <u>240</u> months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☒ **Other (explain):** No reduction recommended due to statutory mandatory minimum sentence of 20 years (240 months). If Amendment 706 (Retroactive Crack Cocaine Amendment) had been in place at the original sentencing, the guideline range would still have been restricted to the mandatory minimum of 240 months, per USSG 5G1.1(b).

III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated 3/30/2005 shall remain in effect.

IT IS SO ORDERED.

Order Date: July 30, 2009

Effective Date: _____
(if different from order date)


 Lacy H. Thornburg
 United States District Judge

